

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

1.100 ACRES OF LAND, MORE OR LESS,  
SITUATE IN STARR COUNTY, STATE OF  
TEXAS; AND DANIEL VALDEZ, JR.,

*Defendants.*

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CASE NO.: 7:21-CV- 027

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: *s/ Megan Eyes*  
**MEGAN EYES**  
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Attorney in Charge for Plaintiff

and

By: *s/ Jose Angel Flores, Jr.*  
**JOSE ANGEL FLORES, JR.**  
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Attorney for Plaintiff

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

**SCHEDULE C**

**LEGAL DESCRIPTION**

Starr County, Texas

Tract: RGV-RGC-4077  
Owner: Daniel Valdez, Jr.  
Acres: 1.100

**BEING** a 1.100 acre (47,899 square feet) parcel of land out of Porción 75, Ancient Jurisdiction of Mier, Mexico, now Starr County, Texas, also being out of the Florencia Gonzales Grant, Abstract 95, and a portion of a called 1.10 acre tract of land described in a deed dated March 27, 2015, from Maria Isabel Vera to Daniel Valdez, Jr., recorded in Volume 1442, Page 706, of the Official Records of Starr County, Texas (O.R.S.C.T.), said 1.100 acre parcel being more particularly described by metes and bounds as follows:

**COMMENCING at a point for reference** at a 5/8-inch iron rod with unreadable cap found on the south line of 4th Street for the common northeast corner of a called 0.30 of one acre tract of land, described in a deed dated August 5, 2004, from Maria Isabel Vera to Victor A. Lozano and wife, Diana V. Lozano, recorded in Volume 1009, Page 756, of the O.R.S.C.T., and the northwest corner of a called 0.2976 of one acre tract of land described in a deed dated September 25, 2008, from Yuliana Valdez to Daniel Valdez, Jr., recorded in Volume 1219, Page 786, of the O.R.S.C.T., thence as follows:

SOUTH 12°42'30" EAST, along the common east line of said 0.30 of one acre tract of land and the west line of said called 0.2976 of one acre tract, at a distance of 130.00 feet pass the southwest corner thereof a northwest corner of a called 1.10 acre tract of land described in a deed dated March 27, 2015, from Maria Isabel Vera to Daniel Valdez, Jr., recorded in Volume 1442, Page 706, of the O.R.S.C.T., and continuing a total distance of 176.01 feet to a 5/8-inch iron rod with aluminum cap stamped "RGV-RGC-4076-1=4077-1" set for the northeast corner and **POINT OF BEGINNING** of the parcel described herein, having a coordinate value of N = 16,671,659.022 and E = 828,340.510, said point bears SOUTH 40°24'10" WEST, a distance of 3,742.90 feet from United States Army Corps of Engineers Control Point No. S135, thence as follows;

**THENCE**, NORTH 69°03'36" EAST, departing said common line, over and across said 1.10 acre tract, a distance of 177.00 feet to a 5/8-inch iron rod with aluminum cap stamped "RGV-RGC-4077-2" set for an angle point of the parcel described herein;

**THENCE**, NORTH 22°36'05" EAST, continuing over and across said 1.10 acre tract, a distance of 84.54 feet to a 1/2-inch iron rod found on the common east line of said 1.10 acre tract and the west line of a called 4.372 acre tract of land described in a deed dated June 8, 1999, from Franco Perez to Romeo and Norma E. Benitez, recorded in Volume 957, Page 566, of the O.R.S.C.T., in which the description and included survey, plot within

**SCHEDULE C (Cont.)**

Tract 106 and adjoin Tract 117 of Porción 75, however the land is called in said deed to be in Tract 117 and is subject to revision, for the northeast corner of the parcel described herein;

**THENCE**, SOUTH 38°51'21" EAST, along said common line, a distance of 265.77 feet to an unmarked point at the north line of the Rio Grande River (as of the time of this survey) for the southeast corner of the parcel described herein;

**THENCE**, departing said common line, along the north river line of the Rio Grande River the following directions and distances, approximating the north river line as of the time of this survey;

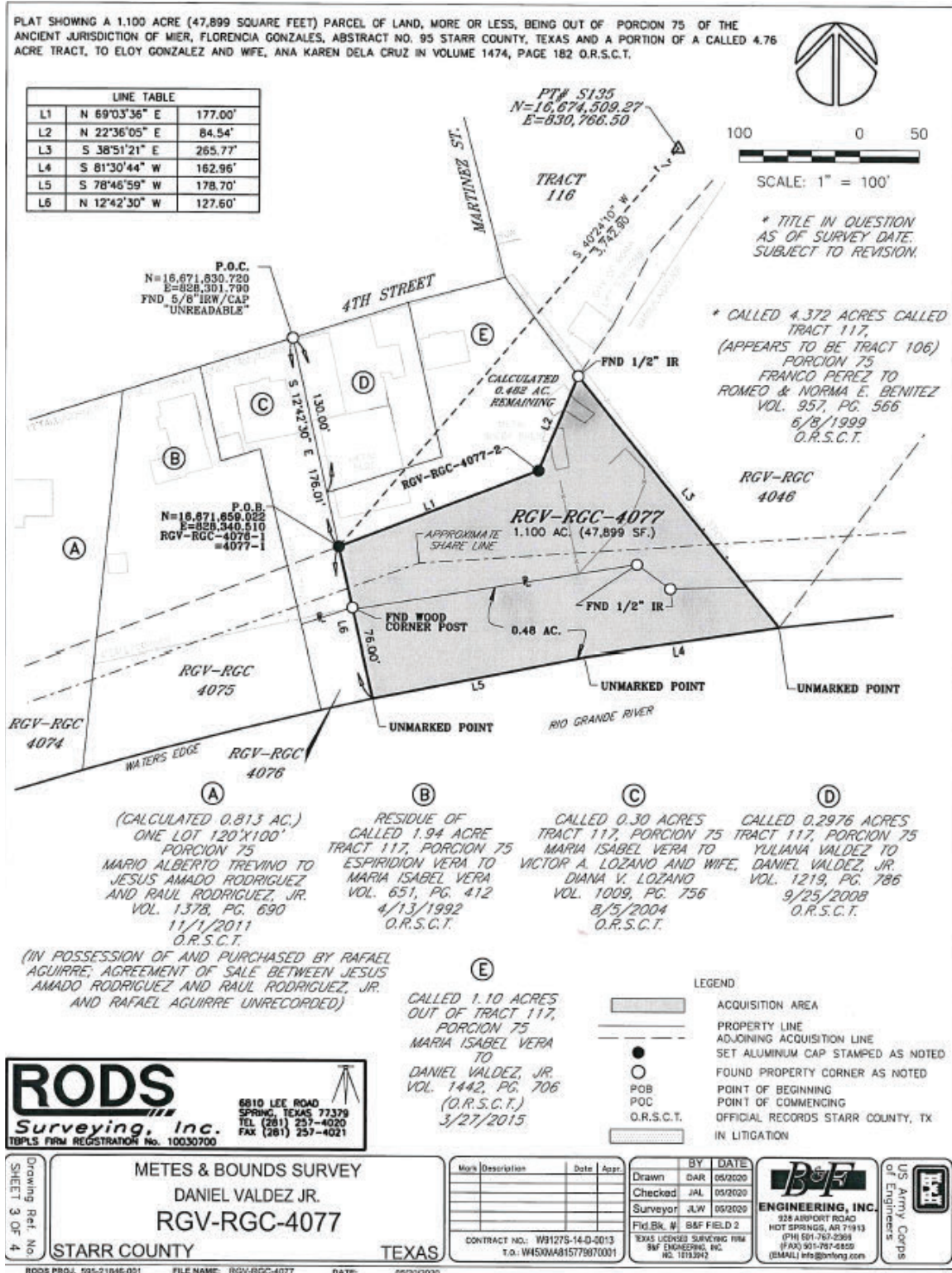
**THENCE:** SOUTH 81°30'44" WEST, a distance of 162.96 feet to an unmarked point;

**THENCE:** SOUTH 78°46'59" WEST, a distance of 178.70 feet to an unmarked point;

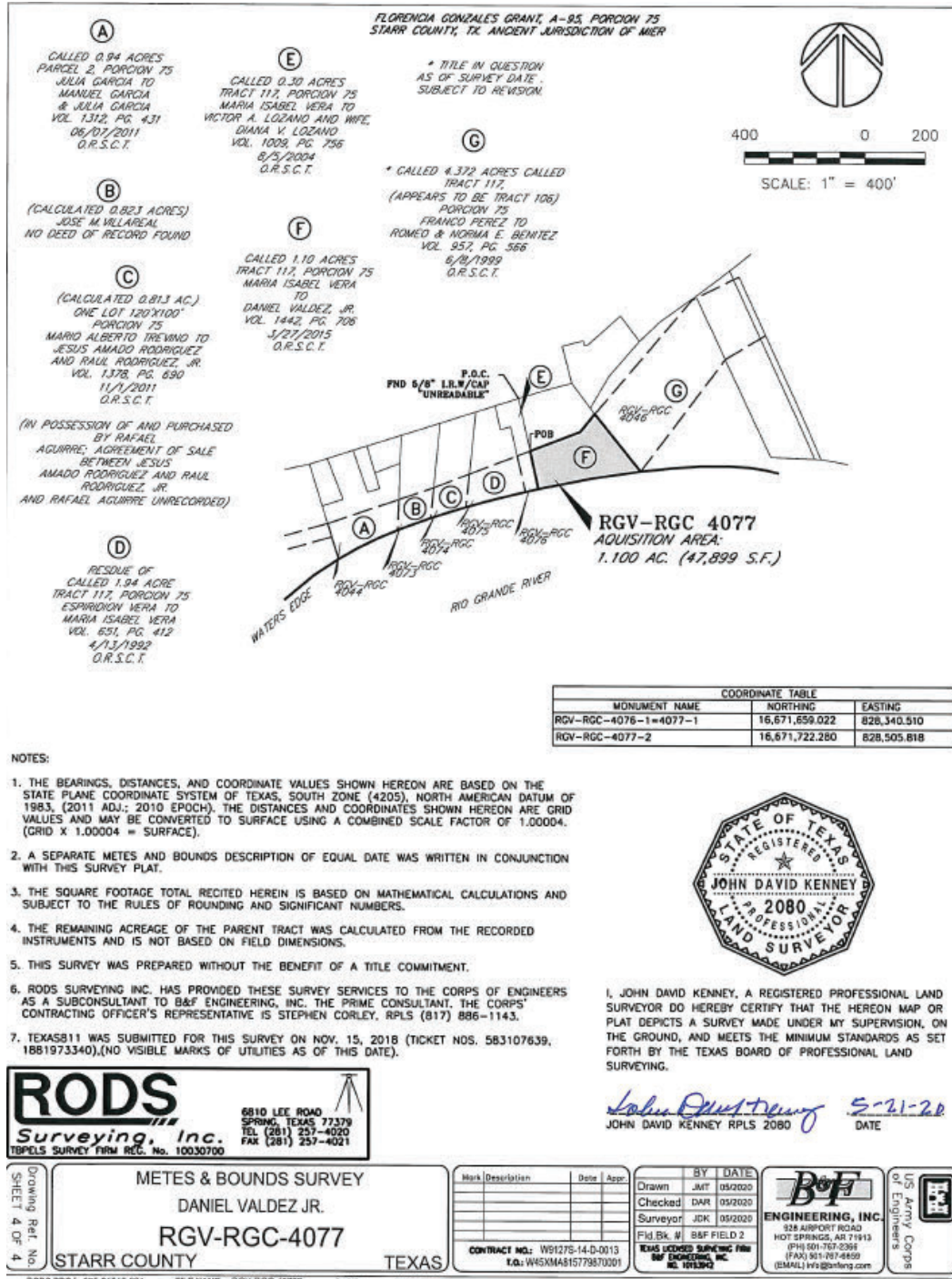
**THENCE**, NORTH 12°42'30" WEST, departing the north line of the Rio Grande River, along said common east line of said 0.30 of one acre tract of land and a west line of said called 1.10 acre tract, passing at a distance of 76.00 feet a found fence corner post and continuing a total distance of 127.60 feet to the **POINT OF BEGINNING** and containing 1.100 acres (47,899 square feet) of land.

**SCHEDULE D**

MAP or PLAT

**LAND TO BE CONDEMNED**



**SCHEDULE D (Cont.)**

Tract: RGV-RGC-4077  
Owner: Daniel Valdez, Jr.  
Acres: 1.100

**SCHEDULE E**

**ESTATE TAKEN**

Starr County, Texas

Tract: RGV-RGC-4077  
Owner: Daniel Valdez, Jr.  
Acres: 1.100

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is TWENTY TWO THOUSAND SIX HUNDRED SIXTY SIX DOLLARS AND NO/100 (\$22,666.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>Daniel Valdez, Jr.</b> [REDACTED] Roma, Texas 78584	<b>RGV-RGC-4077</b> Deed of Gift, Document #2015-322934; Recorded 30 March 2015, Official Records of Starr County, Texas
<b>Ameida Salinas</b> 100 N. FM 3167, Suite 201 Rio Grande City, Texas 78582	Starr County Tax Assessor-Collector Property Account ID 96635

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Megan Eyes, Assistant United States Attorney, SDTX, 1701 W. Bus. Hwy. 83, Suite 600, McAllen, TX 78501

**DEFENDANTS**

1.100 ACRES OF LAND, MORE OR LESS, SITUATE IN STARR COUNTY, STATE OF TEXAS; AND DANIEL VALDEZ, JR.

County of Residence of First Listed Defendant STARR

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other		
		<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security.

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

01/19/2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Megan Eyes

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_